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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

JUAN JESUS ROJAS,

Defendant and Appellant.

F077293

(Super. Ct. No. F17907452)

**OPINION**

**THE COURT\***

APPEAL from a judgment of the Superior Court of Fresno County. James Petrucelli, Judge.

Nicholas Seymour, under appointment by the Court of Appeal, for Defendant and Appellant.

Office of the State Attorney General, Sacramento, California, for Plaintiff and Respondent.

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\* Before Detjen, Acting P.J., Peña, J. and DeSantos, J.

A jury convicted appellant Juan Jesus Rojas of domestic violence (Pen. Code, § 273.5, subd. (a)).<sup>1</sup> In a separate proceeding, Rojas admitted allegations that he had a prior conviction within the meaning of the “Three Strikes” law (§ 667, subds. (b)-(i)). Following independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436, we affirm.

### **FACTUAL AND PROCEDURAL BACKGROUND**

The confidential victim (CV) began dating Rojas in late August 2017, and during that time she became pregnant.

On November 24, 2017, at around 5:30 or 6:00 p.m., the CV and Rojas were in her bedroom at her parents’ house, waiting to meet some of Rojas’s friends at a park across the street, when she found a baggie of cocaine or methamphetamine on the floor near Rojas’s pants. The CV became angry, threw the baggie in a water bucket she kept in the room because she would become nauseous, and was tackled by Rojas. The CV got up and kicked Rojas on the chest. Rojas then tried to get the CV’s phone to get the number of her drug dealer and they wrestled a while for it.

At around 8:00 p.m., Rojas and the CV went to the park to meet with his friends. While there, the CV met with her dealer and purchased a gram of marijuana for herself and a “five” of crystal methamphetamine for Rojas.

At around 10:00 or 11:00 p.m., Rojas and the CV returned to the CV’s bedroom and they began arguing. During that time, Rojas would grab the CV’s face which prompted her to tell him, “[W]ho puts his hands on a pregnant girl that’s about to pop ... , only a punk ass bitch does that.” Rojas replied that she should not call “somebody from prison” a punk. He then got up, threw a blanket over the CV’s head and punched her several times on her face, leaving her with a black eye.

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<sup>1</sup> All further statutory references are to the Penal Code.

Rojas became disconcerted and after apologizing to the CV, he packed his belongings and attempted to leave through the bedroom window. The CV, however, convinced him not to leave until the morning. After a while, she looked in the mirror and saw that her eye was very puffy. During an ensuing argument, Rojas grabbed the CV by the face and threw her backward, causing her to knock everything off her dresser, hit the back of her head on a wall, and fall on her buttocks. The CV grabbed a switchblade knife from a dresser and told Rojas she was going to stab him if he kept hitting her. However, Rojas was able to take the knife away from her and they began wrestling.

The following morning, Rojas left at around 8:00 a.m.

On January 16, 2018, the Fresno County District Attorney filed an information charging Rojas with domestic violence and alleging that Rojas had seven prior convictions within the meaning of the Three Strikes law.

On March 8, 2018, a jury found Rojas guilty of domestic violence and Rojas admitted the Three Strikes allegations.

On March 14, 2018, Rojas filed a *Romero*<sup>2</sup> motion.

On April 5, 2018, after denying the motion, the court sentenced Rojas to a doubled aggravated term of eight years. Defense counsel filed an appeal on Rojas's behalf on that date.

Rojas's appellate counsel has filed a brief that summarizes the facts, with citations to the record, raises no issues, and asks this court to independently review the record. (*People v. Wende, supra*, 25 Cal.3d 436.) Rojas has not responded to this court's invitation to submit additional briefing.

Following an independent review of the record, we find that no reasonably arguable factual or legal issues exist.

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<sup>2</sup> *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497.

**DISPOSITION**

The judgment is affirmed.